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UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

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In re	:	Chapter 11
	:	
MOTORS LIQUIDATION COMPANY, <i>et al.</i> ,	:	Case No. 09-50026 (REG)
f/k/a General Motors Corp., <i>et al.</i>	:	
	:	
Debtors.	:	(Jointly Administered)
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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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ISHMAIL SESAY et al.	:	Case No. 1:14-cv-0618 (JMF)
	:	
v.	:	
	:	
GENERAL MOTORS LLC et al.	:	
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IN RE:	:	Case No. 14-md-2543 (JMF)
GENERAL MOTORS LLC IGNITION	:	
SWITCH LITIGATION	:	
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***SESAY* PLAINTIFFS' MOTION FOR LEAVE TO APPEAL  
INJUNCTIVE ORDER OF THE BANKRUPTCY COURT**

Pursuant to 28 U.S.C. § 158(a)(3), Ishmail Sesay and Joanne Yearwood (collectively “Plaintiffs”), co-plaintiffs in *Sesay et al v. General Motors LLC et al.*, 1:14-cv-0618 (JMF), seek leave to appeal the Bankruptcy Court’s November 12, 2014, Order (Doc. No. 12995) *inter alia* denying Plaintiffs’ motion to dismiss for lack of subject matter jurisdiction, and enforcing the Bankruptcy Court’s 2009 Sale Order and Injunction to enjoin Plaintiffs from prosecuting their

lawsuit against General Motors LLC (“New GM”). The Bankruptcy Court explained its decision in an November 10, 2014, Decision With Respect To No Stay Pleading and Related Motion for Abstention (Sesay Plaintiffs (Doc. No 12989).

The *Sesay* Plaintiffs’ seek leave to appeal two issues decided by the Bankruptcy Court: 1) Whether the Bankruptcy Court had subject matter jurisdiction to enjoin their lawsuit asserting claims against New GM based on independent, non-derivative duties that Plaintiffs allege New GM breached, causing them harm; and 2) Whether the Bankruptcy Court could enforce its 2009 Sale Order and Injunction against Plaintiffs asserting claims based on post-sale conduct and post-sale injuries consistent with their rights to notice and an opportunity to be heard?

In the interests of judicial efficiency, the *Sesay* Plaintiffs adopt and incorporate by reference the contentions made by the *Elliott* Plaintiffs in their motion for leave to appeal (ECF 13005) and by the *Phaneuf* Plaintiffs in their motion for leave to appeal (ECF 12817). The *Sesay* allegations are virtually identical to those made by the *Elliott* Plaintiffs, and their arguments regarding subject matter jurisdiction and due process rights were rejected by the Bankruptcy Court on the basis of its rulings in the *Elliott* and *Phaneuf* matters.

The *Sesay* Plaintiffs are each post-petition purchasers of GM vehicles who had no relationship with Old GM whatsoever. Like the *Elliott* Plaintiffs, they assert claims based on breaches by New GM of its own duties, causing them to suffer economic loss and increased risk of death or serious bodily injury. Like the *Phaneuf* Plaintiffs, they contend that the Bankruptcy Court could not enforce its 2009 Sale order and Injunction against Plaintiffs because they could not have received notice and an opportunity to be heard because their claims had not yet arisen.

The *Sesay* Plaintiffs seek appellate review of the Bankruptcy Court’s November 12 Order for the reasons set forth by the *Elliott* and *Phaneuf* Plaintiffs. They submit this motion to

preserve their independent rights to be heard on these matters should the Court decide to entertain the appeals at this time.

DATED: November 24, 2014

Respectfully submitted,

/s/  
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